

ESTTA Tracking number: **ESTTA122969**

Filing date: **02/02/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Citigroup Inc.
Granted to Date of previous extension	02/04/2007
Address	399 Park Avenue New York, NY 10043 UNITED STATES
Attorney information	Jonathan Moskin White & Case LLP 1155 Avenue of the Americas New York, NY 10036 UNITED STATES trademarkdocket@whitecase.com,jmoskin@whitecase.com,smmentzer@whitecase.com Phone:212-819-8200

Applicant Information

Application No	78486089	Publication date	08/08/2006
Opposition Filing Date	02/02/2007	Opposition Period Ends	02/04/2007
Applicant	McGowan Communications, LLC 101 Round Hill Drive Rockaway, NJ 07866 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. All goods and services in the class are opposed, namely: DEBIT CARD SERVICES
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Attachments	Notice of Opposition (02-02-07).pdf (5 pages)(26708 bytes)
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Signature	/Jonathan Moskin/
Name	Jonathan Moskin
Date	02/02/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78486089 (UNIVERSAL)
Published in the Official Gazette on August 8, 2006

CITIGROUP INC.,

Opposer,

-against-

MCGOWAN COMMUNICATIONS, LLC,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

TO THE COMMISSIONER FOR TRADEMARKS:

Opposer, Citigroup Inc. believes it will be damaged by registration by Applicant, McGowan Communications, LLC (“Applicant” or “McGowan”), of the mark:

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Application Serial No. 78486089 (“Applicant’s UNIVERSAL Mark”), and hereby opposes the registration of Applicant’s UNIVERSAL Mark pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the “Lanham Act”), 15 U.S.C. § 1063(a), and 37 C.F.R. § 2.104(b).

As grounds for the opposition, Opposer alleges that:

1. Opposer, Citigroup Inc. (“Citigroup”), a corporation organized and existing under the laws of Delaware with its principal place of business at 399 Park Avenue, New York, New

York, 10043, is today's preeminent financial services company, with some 200 million customer accounts in more than 100 countries.

2. Since at least as early as March 26, 1990, Opposer Citigroup and its predecessor-in-interest (collectively, "Opposer") have used the mark UNIVERSAL ("Opposer's UNIVERSAL Mark") on and in connection with credit cards including, at various times, the AT&T Universal Card, the AT&T Universal Platinum Card, and the AT&T Universal Rewards Card.

3. Opposer and its predecessor-in-interest have expended considerable time, effort, and money advertising and publicizing the sale of services bearing the mark UNIVERSAL.

4. Opposer's UNIVERSAL credit cards are and for many years have been widely used in commerce, and, as a result of Opposer's long and successful use of its UNIVERSAL Mark, the mark has come to identify Opposer's credit card services and to represent substantial goodwill belonging exclusively to Opposer. Opposer's UNIVERSAL credit cards are among the most widely used and best-known credit cards in the industry, and Opposer's UNIVERSAL Mark has indeed become a famous mark for credit card services.

5. By the application herein opposed, Applicant seeks to register Applicant's UNIVERSAL Mark, Application Serial No. 78486089 (the "'089 Application").

6. The non-Latin characters in Applicant's UNIVERSAL Mark translate to "universal card." The '089 Application has disclaimed the non-Latin characters in Applicant's UNIVERSAL Mark that mean "card."

7. The '089 Application was filed on the Applicant's alleged intent to use the mark in International Class 36 in connection with "debit card services."

8. The services for which Applicant seeks registration are virtually identical to services with which Opposer's UNIVERSAL Mark has been used and is in use.

9. Applicant allegedly intends to commence using Applicant's UNIVERSAL Mark more than a decade after Opposer's predecessor-in-interest adopted and began using Opposer's UNIVERSAL Mark.

10. Use by Applicant of a mark identical to Opposer's UNIVERSAL Mark on services similar to Opposer's services would be likely to cause confusion, to cause mistake, and to deceive.

11. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of the mark sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

12. Registration should be refused pursuant to Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), because Applicant's use of Applicant's UNIVERSAL Mark will falsely suggest a connection between Applicant and Opposer named herein, to the damage of Opposer.

13. Registration should be refused pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), on the grounds that Applicant's UNIVERSAL Mark so closely resembles Opposer's UNIVERSAL Mark used consistently by Opposer in the United States, as to be likely, when used on or in connection with the goods identified in the Application, to cause confusion, or to cause mistake, or to deceive, with consequent injury to Opposer and to the public.

14. Registration should be refused pursuant to Sections 2(f) and 43(c) of the Lanham Act, 15 U.S.C. §§ 1052(f) and 1125(c), on the grounds that Applicant's UNIVERSAL Mark will dilute the distinctive and famous quality of Opposer's UNIVERSAL Mark.

WHEREFORE, Opposer believes it will be damaged by the registration of Applicant's UNIVERSAL Mark for the services identified in the '089 Application and respectfully requests that the opposition be sustained and registration of said designations be denied.

Pursuant to 37 C.F.R. § 2.6(a)(17) and 37 C.F.R. § 2.104(b), Opposer respectfully requests that the \$300.00 statutory fee for filing a Notice of Opposition in International Classe 36 for the application opposed, and any additional amounts, be charged to Deposit Account No. 23-1705.

All communication should be addressed to Opposer's counsel, White & Case LLP, at the address below.

Dated: New York, New York
February 2, 2007

Respectfully submitted,

WHITE & CASE LLP

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Attorneys for Opposer Citigroup Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February, 2007, I caused a copy of the foregoing NOTICE OF OPPOSITION to be served, by the means indicated below, upon:

E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

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/Stefan M. Mentzer/
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